



U.S. Department of Justice

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September 4, 2019

By ECF

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Myron Gushlak
Criminal Docket No. 03-833 (NGG)

Dear Judge Garaufis:

The government writes to request that the Court order the unsealing of the sealed documents and docket entries in this case (the “Sealed Items”) for the limited purpose of their use in a Canadian litigation, as described below.

By way of background, the defendant Myron Gushlak pleaded guilty to conspiracy to commit securities fraud and conspiracy to commit money laundering in connection with his participation in a “pump and dump” securities fraud scheme. On November 18, 2010, the Court sentenced Gushlak to a term of incarceration of 60 months as well as a \$25 million fine; on May 15, 2012, the Court imposed restitution in the amount of \$17,492,817.45. The Sealed Items, however, which are numerous, remain under seal.

The government makes this request in connection with civil litigation currently underway in Canada (the “Civil Litigation”), pursuant to which the United States seeks to enforce the restitution order imposed by this Court, of which \$14,643,427.27, plus accruing interest, remains unpaid. In the Civil Litigation, Canadian counsel for Myron Gushlak has requested a copy of “the sealing order” in order to determine if the Sealed Items in this matter are relevant to the Civil Litigation. (See the letter from Marie-Andrée Vermette to Malcolm N. Ruby/Matthew Doak, dated June 17, 2019, attached hereto as Exhibit A).

There is no single sealing order, and the numerous Sealed Items are individually sealed via hand-written endorsement and other means. Accordingly, it is the government’s assessment, following a review of the sealed documents and docket entries in this matter, that an order permitting disclosure of these items for the limited purpose of their use in the Canadian Litigation would: (a) provide Gushlak’s Canadian attorneys with the information they seek; and

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